

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Edward Loren Peel,	)	C/A No.: 2:07-cv-2876-GRA-RSC
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	(Written Opinion)
Sheriff James R. Metts,	)	
	)	
Defendant.	)	
	)	

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This matter comes before the Court to review the magistrate's Report and Recommendation pursuant to 28 U.S.C. § 636(B)(1)(b) and Local Rule 73.02(B)(2)(c), D.S.C., filed on June 9, 2008.

Plaintiff originally filed this action, pursuant to 42 U.S.C. § 1983, on August 21, 2007. Defendant filed a motion for summary judgment on April 3, 2008. The magistrate issued an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on April 7, 2008, advising the plaintiff of the summary judgment procedure and warning the plaintiff about the possible consequences of failing to respond. Plaintiff did not respond. On May 15, 2008, the Magistrate gave the plaintiff 10 days file a response to the defendant's motion. This Order was returned to the Court marked "Return to Sender." The magistrate recommends dismissing the plaintiff's action for failure to prosecute and failure comply with the Court's order to keep the Court advised of his current mailing address.

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se*

pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). Plaintiff filed no objections.

After a thorough review of the magistrate's Report and Recommendation, the record, and the relevant case law, this Court finds that the magistrate applied sound legal principles to the facts of this case. Therefore, this Court adopts the magistrate's Report and Recommendation in its entirety.

IT IS THEREFORE SO ORDERED THAT this action be dismissed for failure to

prosecute and for failure to comply with the Court's order.

IT IS SO ORDERED.



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G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

July 7, 2008  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiff has the right to appeal this Order within thirty (30) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**